

GUIDELINES FOR PREPARING INITIAL STATEMENT OF REASONS FOR
PROPOSED REGULATIONS
TO
THE CALIFORNIA CODE OF REGULATIONS, TITLE 24

OBJECTIVE

The purpose of this guideline is to provide guidance when drafting certain provisions of an “initial statement of reasons” for proposed regulations to the California Building Standards Code (Code).

BACKGROUND

All proposed regulations are required to be accompanied with an “initial statement reasons” prepared in accordance with California’s rulemaking law¹. The objective of the “initial statement of reasons” is to provide the purpose, rationale and justification for proposed regulations imposed upon persons or businesses. Because the “Initial statement of reasons” is kept for life, the information contained in the “initial statement of reasons” also, helps your predecessors and/or co-workers understand the rationale should additional amendments be required in the future.

An “initial statement of reasons” is required to include:

- Prepared statements of the specific purpose of EACH adoption, amendment, or repeal, and prepared statements of rationale for why EACH adoption, amendment, or repeal is necessary to carry out the purpose for which it is proposed
- Identification of each technical, theoretical and empirical study or report upon which the proposed adoption, amendment or repeal is based
- Description of reasonable alternatives to the proposed regulations that were considered and the reason for rejecting the alternatives.
- Description of reasonable alternatives that have been identified or that have been brought to the attention of state agency that would lessen any adverse impact on small businesses and the reasons for rejecting the alternatives
- Description of facts, evidence, documents, testimony or other evidence on which is relied for making a determination of no significant adverse impact on businesses, if the proposed regulations will not have a significant adverse impact on businesses
- Description of efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations addressing the same issue, if the proposing agency is a department, board or commission within the Environmental Protection Agency, the Resource Agency, or the Office of the State Fire Marshal.

¹ Government Code Section 11346.2

PURPOSE AND RATIONALE GUIDELINES

When preparing statements of specific purpose and rationale for EACH adoption, amendment or repeal, it is important to note that the purpose and rationale is often lengthier and wordier than the proposed regulation, which is needed by the public and review bodies to fully comprehend its purpose and rationale. Thus, the “initial statement of reasons” explains not only the effect, but also explains the difference and rationale for the difference. An explanation is needed to identify:

- What the existing building standards requires
- What the specific objective is
- Why an amendment or repeal is necessary to carry out the purpose for which it is proposed
- Why and what is inadequate about a model building code, code section or provision in meeting the goals of the state agency²
- Who and what might be affected
- When the requirement is applied
- Description of the specific provision and reference to studies or reports upon which the proposed regulation is based

IDENTIFICATION OF STUDIES AND REPORTS GUIDELINES

When listing the studies and reports upon which the proposed regulations are based, list the sources in the format of the *California Style Manual*. While submitting the studies and reports is not necessary, unless requested, California Rulemaking Law requires state agencies to maintain a copy for public viewing as a part of the rulemaking record.

² Health and Safety Code 18930(a)(7)